

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOSE A. GARCIA,

Petitioner,

v.

WARDEN, FCI MENDOTA,

Respondent.

Case No. 1:23-cv-00833-SAB-HC

ORDER DIRECTING RESPONDENT TO  
COMPLY WITH DECEMBER 11, 2023  
ORDER AND FILE SUPPLEMENTAL  
BRIEF

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On December 11, 2023, the Court ordered Respondent to submit a supplemental brief “regarding the meaning of ‘the prisoner is the subject of a final order of removal’ in 18 U.S.C. § 3632(d)(4)(E)(i), whether a prisoner who was previously removed pursuant to a final order of removal that has not been reinstated by an authorized official qualifies as being ‘the subject of a final order of removal,’ and whether Petitioner ‘is the subject of a final order of removal’ under 18 U.S.C. § 3632(d)(4)(E)(i)[.]” (ECF No. 12 at 3.)

On January 10, 2024, Respondent filed a superseding motion to dismiss. (ECF No. 13.) Therein, Respondent does not address the issues set forth in the Court’s December 11, 2023 order. To date, Respondent has not filed a supplemental brief addressing said issues, and the deadline for doing so has passed.

1 Accordingly, IT IS HEREBY ORDERED that within fourteen (14) days of the date of  
2 service of this order, Respondent shall file a supplemental brief addressing the issues set forth in  
3 the December 11, 2023 order.

4 Respondent is forewarned that in the event Respondent fails to comply with the Court's  
5 order, the Court will issue an order to show cause why sanctions should not be imposed.

6  
7 IT IS SO ORDERED.

8 Dated: **January 11, 2024**

  
UNITED STATES MAGISTRATE JUDGE